

IN THE FIFTH JUDICIAL DISTRICT OF IOWA

IN RE: DALLAS COUNTY
COURTHOUSE COVID-19 HEALTH
AND SAFETY PROTOCOLS

ADMINISTRATIVE ORDER 2020-40

The attached health and safety protocols submitted by the Dallas County Courthouse Security Committee are approved, effective July 13, 2020.

Dated this 10th day of July, 2020.



MICHAEL D. HUPPERT, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

FILED
DALLAS COUNTY, IOWA
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CLERK DISTRICT COURT

Copies:

Chief Justice Susan Christensen, Iowa Supreme Court
Liaison Justice Edward Mansfield, Iowa Supreme Court
State Court Administrator, Todd Nuccio
John Goerdt, Deputy State Court Administrator
Fifth Judicial District Judges, Staff and
Stakeholders by email
Dallas Co Board of Supervisors
Dallas Co Sheriff
Posted on Judicial Branch Website

DALLAS COUNTY COURTHOUSE COVID-19 HEALTH AND SAFETY PROTOCOLS

Due to the COVID-19 pandemic, and to protect judicial branch employees, other courthouse personnel and members of the public appearing at the courthouse, beginning July 13, 2020, the following protocols will be followed within the Dallas County Courthouse.

1. ACCESS AND NOTIFICATION OF SAFETY REQUIREMENTS.

a. The north-south sidewalk leading to the north entrance to the courthouse shall be marked with fluorescent tape or other similar material at 6-foot intervals to identify appropriate social distance for those waiting to enter the courthouse. The west one-half of the sidewalk shall be used for those entering the courthouse, and the east one-half will be used for those exiting the courthouse. The sidewalk will be marked to identify these lanes of traffic.

b. A sign shall be placed outside the north entrance of the courthouse and a sign shall be placed on the 1st floor, visible as persons approach the stairs or the elevators, notifying persons who have entered the courthouse that face masks or coverings are required on the 2nd, 3rd, and 4th floors of the courthouse and that recommended social distancing must be observed at all times and in all locations within the courthouse.

c. Signs shall be placed on the 2nd, 3rd, and 4th floors, visible from the stairs and the elevators, that face masks or coverings are required on that floor and that recommended social distancing must be observed at all times and in all locations within the courthouse.

d. Hand sanitizers shall be placed throughout the 2nd, 3rd, and 4th floors for use by the public.

e. Disposable masks for those who do not have a mask or face covering shall be provided in 1st floor hallway, the clerk's office on the 2nd floor, and each courtroom.

2. TRAFFIC FLOW INSIDE COURTHOUSE.

a. A sign inside the north entrance of the courthouse shall notify persons of the appropriate check-in locations. The sign shall state:

i. Persons appearing for magistrate court shall go to the clerk's office on the 2nd floor to check-in;

ii. Persons appearing for district court shall go to courtroom 300 to check-in;

iii. Persons appearing for district associate or juvenile court shall go to courtroom 400 to check-in.

b. The 2nd floor hallway outside the clerk's office must be marked with fluorescent tape or similar material at 6-foot intervals to identify appropriate social distance for persons waiting to enter the clerk's office.

c. Signs shall be placed outside every door for each courtroom, conference room or meeting room notifying persons entering that room of the maximum permitted public occupancy for that room with recommended social distancing, and that the person should not enter, except to check-in with the clerk or court attendant, if the room has reached or exceeds its maximum occupancy. After check-in, the clerk or court attendant shall advise the person where to wait.

d. Maximum occupancy signs shall also be placed next to each elevator door advising that maximum capacity of the elevator is two (2).

e. Public seating in each courtroom shall be marked in 6-foot increments to denote recommended social distance and to ensure seating only at those distances.

f. Facilities management for the County is prepared to remove benches, seating, and other structures in the hallways or rooms to facilitate social distancing.

3. WORK STATIONS AND KIOSKS.

a. A sign shall be placed at each work station, including counsel tables in courtrooms, and public kiosk that the user shall clean the work station both before and after use. Appropriate cleaning materials and wipes shall be provided at each work station and public kiosk for this purpose.

b. When available, Plexiglas barriers will be placed as follows:

i. Around the judges' courtroom benches as requested by the presiding judge;

- ii. On counsel tables to provide a barrier between attorneys, parties or other persons seated at the table;
 - iii. Around the court reporters' work stations;
 - iv. Around court attendant work stations;
 - v. Around or in front of the witness stand.
- c. Reusable face shields provided to the public will be cleaned and sanitized after use by judicial personnel.

4. ENFORCEMENT AND EXEMPTIONS.

a. All judicial officers and judicial branch employees are responsible for monitoring compliance with these protocols. If a judicial officer or employee observes non-compliance with these protocols, the judicial officer or employee may;

- (i) Attempt to informally resolve the non-compliance;
- (ii) Report the non-compliance to a supervisor, or
- (iii) Report the non-compliance to the appropriate judicial officer.

b. If a person refuses to wear a mask or face covering after a request, or in any other significant manner refuses to comply with these protocols, that non-compliance shall be reported to the appropriate presiding judge. The judge may provide the non-compliant person with information as to how to participate remotely in the hearing for which the person is at the courthouse. The non-compliant person shall then be asked to leave the courthouse and to participate in the hearing remotely. If the person refuses to leave the courthouse, security shall be called and the person shall be escorted from the courthouse.

c. If the non-compliant person is a defendant in a criminal case and that person's personal presence is required for the hearing or other court appearance, that person may be held in contempt of court for willfully not complying with the mask or face covering requirement.

d. Social distancing requirements will not be enforced with respect to the following situations:

- i. Parent or caretaker responsible for attending to a child;

ii. Persons who establish that they are family members residing in the same household. In this situation, all parties must be wearing masks or face coverings. Social distancing requirements will not be enforced only with respect to two persons;

iii. Attorneys consulting with clients or attorneys consulting with other attorneys or witnesses regarding a pending case. In this situation, all parties must be wearing masks or face coverings.

5. CLERK STAFF SCHEDULING.

The Clerk has implemented a rotational schedule for staff so that every other cubicle remains empty on any given week. Each week staff switch between who is in the office and who is working remotely. Lunch/break times are split so that only 2 employees are on break at any given time. Shared equipment is spaced as to allow social distancing as much as is possible.

Shift start/stop times, break times, and lunchtimes are staggered to minimize the congregating of employees in any areas.

6. CASE SCHEDULING AND PROCESSING.

a. Cases shall be scheduled in magistrate, district associate and district court so that 6-foot social distance is always maintained for courtroom occupants and those queuing outside the courtroom.

b. Specifically, district court hearings will scheduled or conducted as follows:

i. On Tuesday and Friday, district court cases will be allocated to the two court service judges based on an odd-even number system. The allocation plan will be communicated to the clerk and court attendant prior to commencement of the court service hearings.

District criminal court service.

ii. Sentencing and guilty plea hearings, or PTCs at which the attorneys anticipate resolving a case by plea, will be scheduled first, at 8:30 or 9:00 a.m. depending on the preference of the presiding judge.

iii. PTCs or other hearings not requiring defendants personal appearance; whether because the hearing will be handled by paper or the

defendant has waived personal presence and the PTC or hearing will be handled remotely; will be scheduled next; for example at 9:30.

iv. In-person PTCs and hearings will be scheduled last, beginning at 10:30 or 11:00 depending upon the preference of the presiding judge.

v. In order to minimize traffic in the courthouse on Friday court service days, defendants will be asked if they will waive personal presence at all PTCs, status conferences, and other pretrial hearings, except hearings on motions to suppress. Felony guilty pleas will be handled in writing when possible, and stipulated felony sentencing orders may be submitted when possible, to further minimize courthouse traffic.

vi. Both courtroom 300 and courtroom 400 will be used for in-person hearings on Friday court service, at least until the 2nd floor courtroom is available. District court judges will communicate with Judge Cobb to minimize or eliminate DAJ Friday in-person court service hearings.

vii. With the assistance of the county attorney and defense attorneys, the presiding judges will file if necessary mass re-scheduling orders to implement this plan beginning the week of July 13 or revise the schedule on a weekly basis thereafter.

District civil court service.

viii. All civil, including family law, PTCs and hearings will be handled remotely whenever possible.

ix. Contested in-person civil hearings will be scheduled for Tuesday afternoon or on a specially assigned hearing date.

Summary.

x. Courtroom 300 public seating capacity with social distancing is 26 and capacity in courtroom 400 is 15. This is exclusive of hallway space, jury boxes, and conference rooms. With re-scheduling of Friday district criminal court service as provided above and continued use of remote telephone or video conferencing for most civil hearings, this should be adequate space for waiting and overflow with social distancing.

xi. District associate court and magistrates will be responsible for rearranging their court schedules to minimize traffic and reduce congestion inside the courthouse.

These protocols are hereby submitted for approval to Chief Judge Michael Huppert, Fifth Judicial District of Iowa.

Dated June 30, 2020

____/ RandyHefner/_____

Randy Hefner, Chair
Dallas County Courthouse Security Committee